

**Section III:**  
**AMENDMENT UNDER 37 CFR §1.121 to the**  
**DRAWINGS**

No amendments or changes to the Drawings are proposed.

**Section IV:**  
**AMENDMENT UNDER 37 CFR §1.121**  
**REMARKS**

**Rejections under 35 U.S.C. §103(a)**

In the Office Action, claims 1 - 5 were rejected over Mankes in view of Chen in view of Georghegan in view of Pugliese. We respectfully traverse these rejections.

We believe that deletions and changes to the phrases in our last amendment has caused the Examiner to believe the claims once again read upon Mankes, whereas Mankes was previously cited and overcome in a previous amendment:

<b><u>Office Action</u></b>	<b><u>References Cited under</u></b> <b><u>35 U.S.C. §102</u></b>	<b><u>References Cited under</u></b> <b><u>35 U.S.C. §103(a)</u></b>	<b><u>Our Response</u></b>
1 <sup>st</sup> on 11/06/2006	Burko	Burko, Schiff	Amended on 02/06/2007
2 <sup>nd</sup> on 05/07/2007		Burko, Acebo (Final)	Appealed on 08/03/2007
3 <sup>rd</sup> on 01/20/2008 (reopened)		Mankes, Schiff	Amended on 09/29/2008
4 <sup>th</sup> on 07/23/2008		Chen, Georghegan, Pugliese (Final)	RCE and amended on 10/23/2008
5 <sup>th</sup> on 12/19/2008		Mankes, Chen, Pugliese ± Devarajan	

For brevity of the record, we maintain and incorporate the arguments of all previous replies and the Appeal Brief into the present reply. Through the present amendment, the limitations and steps which were deleted on 10/23/2008 are again inserted into the claims, which should place the claims in a condition for allowance over Mankes. And, the additions made in the amendment of 10/23/2008 are retained, which should place the claims in a condition for allowance over Chen, Pugliese, and Devarajan. The changes, when considered in total, therefore place the claims in condition over Mankes, Chen, Pugliese, and Devarajan.

For these reasons, we respectfully request allowance of our claims as amended.

**Request for Indication of Allowable Subject Matter**

We believe we have responded to all grounds of rejection and objection, but if the Examiner disagrees, we would appreciate the opportunity to supplement our reply.

We believe the present amendment places the claims in condition for allowance. If, for any reason, it is believed that the claims are not in a condition for allowance, we respectfully request constructive recommendations per MPEP 707.07(j) II which would place the claims in condition for allowance without need for further proceedings. We will respond promptly to any Examiner-initiated interviews or to consider any proposed examiner amendments.

Respectfully,

*/ Robert Frantz /*

Robert H. Frantz  
U.S. Patent Agent, Reg. No. 42,553  
Tel: (405) 812-5613  
Franklin Gray Patents, LLC